

LATHAM & WATKINS LLP  
Brook B. Roberts (SBN: 214794)  
(*brook.roberts@lw.com*)  
James A. Tabb (SBN: 208188)  
(*jimmy.tabb@lw.com*)  
Michael L. Huggins (SBN: 305562)  
(*michael.huggins@lw.com*)  
12670 High Bluff Drive  
San Diego, California 92130  
Telephone: +1.858.523.5400  
Facsimile: +1.858.523.5450

Attorneys for Plaintiff  
Kunde Enterprises, Inc.

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

KUNDE ENTERPRISES, INC.,

Plaintiff,

v.

NATIONAL SURETY CORPORATION,

Defendant.

CASE NO. 4:19-cv-06636-JSW

**STIPULATION AND ~~PROPOSED~~  
ORDER ENLARGING PAGE  
LIMITATION FOR EVIDENTIARY  
OBJECTIONS AND RESPONSES  
THERE TO AS MODIFIED  
AND ADMONISHMENT TO COUNSEL**  
Judge: Hon. Jeffrey S. White

1 Plaintiff KUNDE ENTERPRISES, INC. (“Kunde”) and Defendant NATIONAL  
 2 SURETY CORPORATION (“National Surety”) (collectively, the “Parties”), by and through  
 3 their undersigned counsel, hereby stipulate as follows:

4 **WHEREAS**, the Court previously issued an Order (Dkt. 56) setting a 15-page limit for  
 5 each of Kunde’s Reply in Support of its Motion for Partial Summary Judgment and Opposition to  
 6 Defendant National Surety Corporation’s Cross-Motion for Summary Judgment or in the  
 7 Alternative Partial Summary Judgment (“Kunde’s Reply/Opposition”) and for National Surety’s  
 8 Reply in support of its Cross-Motion (“National Surety’s Reply”);

9 **WHEREAS**, Civil Local Rule 7-3 states that “[a]ny evidentiary and procedural objections  
 10 to [an] opposition must be contained within the reply brief or memorandum;”

11 **WHEREAS**, the Parties have met and conferred and agree that, in light of the 4-brief  
 12 schedule pertaining to the Parties’ cross-motions, asserting and responding to any evidentiary  
 13 objections within the applicable 15-page limit as required by Civil Local Rule 7-3 would  
 14 substantially impede their ability to address the substantive issues in this matter; and

15 **WHEREAS**, the Parties each require an additional 12 pages solely for purposes of  
 16 asserting and responding to any evidentiary objections.

17 **NOW, THEREFORE**, the Parties stipulate and seek a further Order as follows:

18 1. The Parties shall be provided <sup>10</sup>~~12~~ pages solely to assert any evidentiary objections  
 19 and responses thereto, which shall be in addition to the 15 pages to which the  
 20 Parties’ are entitled to assert any substantive arguments in their respective briefs,  
 21 pursuant to Local Rule 7-3. Kunde's Reply/Opposition and National Surety's  
 22 Reply shall not exceed 25 pages.

23 2. ~~The Parties may assert their evidentiary objections and responses thereto at the~~  
~~end of their respective briefs or may assert them in a separate document that shall~~  
 24 ~~be filed concurrently with their respective briefs.~~

25 Evidentiary objections must be contained in the respective briefs and shall not be filed  
 26 separately. *See* N.D. Civ. L.R. 7-3(a), (c).

27 IT IS SO STIPULATED.  
 28

1 Date: March 31, 2022

MOUND COTTON WOLLAN & GREENGRASS LLP

2 By: /s/ Melissa A. Dubbs

3 Melissa A. Dubbs

Jonathan Gross

4 Date: March 31, 2022

*Attorneys for Defendant*

*National Surety Corporation*

5 LATHAM & WATKINS LLP

6 By: /s/ James A. Tabb

7 James A. Tabb

8 *Attorney for Plaintiff*

9 *Kunde Enterprises, Inc.*

10 **SIGNATURE ATTESTATION**

11 Pursuant to the Northern District of California's Local Rule 5-1(i)(3), I attest that  
12 concurrence in the filing of the document has been obtained from each of the other Signatories.

13 Dated: March 31, 2022


14 /s/ James A. Tabb

15 James A. Tabb

16 **ORDER**

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18 Dated: April 1, 2022

19   
20 Jeffrey S. White  
21 Judge of the United States District Court

22 The Court has previously advised the parties that they must seek requests for extensions well  
23 in advance of the related deadline. (See Dkt. No. 69.) However, the parties submitted this  
24 request the day before Plaintiffs' combined opposition and reply is due. The Court  
25 ADMONISHES the parties that future requests for extensions or enlargement of page  
26 limitations submitted without sufficient advance notice will be summarily denied.